REMARKS

This amendment is submitted in response to the Official Action mailed June 8, 2005. In view of the above claim amendments and the following remarks, reconsideration by the Examiner and allowance of the application is respectfully requested.

Claims 75, 78, 80, 88, 91, 93, 95, 99, 102 and 104 have been amended to more particularly point out and distinctly claim the subject matter Applicant regards as the invention. In particular, claims 75 and 99 have been amended so that they are now directed to using information entered by a fund depositor on a personal computer to create a third party account with a bank for the transfer of money, accessible with a magnetic card encoded with account information, to a son or daughter of a fund depositor. Setting up a third party bank account for the transfer of money to a son or daughter with information entered on a personal computer by a fund depositor is disclosed in the specification at page 19, lines 1 – 3. The use of magnetic cards encoded with account information for access to the account by the son or daughter is disclosed in the specification at page 15, lines 28 – 29. This amendment to claims 75 and 99 therefore does not introduce new matter.

Claims 86 and 109, which were directed to the third party being a son or daughter of the fund depositor have been cancelled, without prejudice. Claims 78, 80, 102 and 104 have been amended for consistency with amended claims 75 and 99 by replacing the term "third party" with "son or daughter." This also does not introduce new matter.

Claims 75 and 99 have also been amended to state that the output device through which third party account information is supplied to the fund depositor is a CRT or LCD output device. This is disclosed in the specification at page 15, lines 3 – 18 and also does not introduce new matter.

Claim 88 has been amended so that it is now also directed to using information entered on a personal computer by a fund depositor to create a third party account for the transfer of money to a son or daughter of a fund depositor, who can then transfer funds from the account electronically to pay for goods and services. Setting up a third party account for the transfer of money to a son or daughter with a personal computer is disclosed in the specification at page 19, lines 1 – 3. Electronic payment transfers by the son or daughter to pay for goods and services is disclosed in the specification at Page 14, lines 4 – 7. The amendment to claim 88 therefore does not introduce new matter.

Claim 97, which was directed to the third party being a son or daughter of the fund depositor has been cancelled, without prejudice. Claims 91 and 93 have been amended for consistency with amended claim 88 by replacing the term "third party" with "son or daughter." This also does not introduce new matter. Finally, Claim 95 has been amended to further state that the stored third party account information is supplied to the fund depositor. This is disclosed throughout the specification, for example at page 15, lines 11 – 19, and also does not introduce new matter.

For reasons which are submitted below, the claims are believed to be in condition for allowance. The amendments are believed to resolve the concerns raised by the Examiner. Accordingly, reconsideration is respectfully requested.

Turning to the Official Action, Claims 1, 3 and 7 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed in view of the above claim amendments in which Claims 1, 3 and 7 have been canceled. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Next, claims 75 – 110 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the

invention. The Examiner questioned how funds could be transferred into a third party credit card account. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

Claims 75 and 99 have been amended to define the third party account as a bank account into which money is transferred that is accessible by a son or daughter of the fund depositor by using a magnetic card encoded with account information. Claim 88 has been similarly amended to define the third party account as an account for the transfer of money to the son or daughter of a fund depositor, from which the son or daughter transfer funds electronically to pay for goods and services.

The pending claims are now clearly limited to non-credit accounts into which money is transferred for spending by sons and daughters of fund depositors. By amending the independent claims in this manner, this rejection of the Claims 75 – 110 for indefiniteness under 35 U.S.C. §112, second paragraph has thus been overcome. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Next , Claim 88 was rejected under 35 U.S.C §102(b) in view of Tannenbaum et al., U.S. Patent No. 5,326,960, which was cited as disclosing a currency transfer system that automatically transfers funds from a master/sponsor account to sub-accounts on a periodic bases, where the sub-accounts are accessible by third parties. The Examiner considered the relationship between fund depositor and fund recipient to be irrelevant. This rejection is respectfully traversed in view of the amendments to Claim 88 for the following reasons.

Tannenbaum et al. disclose the infrastructure to establish a disposable money card system. Because the card is disposable, the automatic and periodic replenishment from parent to child is impossible. The only periodic function disclosed serves to maintain an accurate record of how much money is left in the card/account. Tannenbaum et al. therefore fails to anticipate Claim 88 under 35 U.S.C. §102(b).

Claim 88 is also not obvious in view of Tannenbaum et al. because the disposable nature of the Tannenbaum et al. money card teaches against the periodic and automatic fund transfer step of Claim 88. Furthermore, there is no teaching or suggestion by Tannenbaum et al. of using information entered on a personal computer by a fund depositor to create and fund the money card account. Claim 88 therefore also patentably defines over Tannenbaum et al. under 35 U.S.C. §103(a).

Regardless, because Tannenbaum et al. do not disclose periodic and automatic account replenishment, Claim 88 is not anticipated under 35 U.S.C. §102(b). Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Claim 88 was also rejected under 35 U.S.C. §102(b) as being anticipated by Gray. Gray was cited as disclosing that it was old and well-known to open child accounts with their own checkbooks and ATM cards with the child accounts linked to parents' accounts to make automatic deposits. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

Claim 88 has now been amended to recite that the fund depositor creates and funds the account for their son or daughter using a personal computer, which is not disclosed by Gray. To require the fund depositor to create the account using a personal computer patentably defines over Gray under 35 U.S.C. §102(b) and §103(a).

By amending Claim 88 to require the use of a personal computer to create the account, this rejection of Claim 88 in view of Gray under 35 U.S.C. §102(b) has thus been overcome. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Next, Claim 75 and 99 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gray in view of Lubinger and further in view of Tannenbaum et al. It was acknowledged

Gray did not teach supplying information about account activity to the fund depositor, which claims 75 and 99 are directed to. Lubinger and Tannenbaum et al. were cited as disclosing this feature. This rejection is respectfully traversed for the following reasons.

Claims 75 and 99 have now been amended to recite that the fund depositor creates and funds the account for their son or daughter using a personal computer and is supplied account information by means of a CRT or LCD device, i.e., a personal computer. This is not disclosed by any of Gray, Lubinger or Tannenbaum et al. To require the fund depositor to create and fund the account using a personal computer and then receive account information via a computer device patentably defines over Gray, Lubinger and Tannenbaum et al., viewed alone or in any combination, under 35 U.S.C. §102(b) and §103(a).

By amending Claims 75 and 99 to require the use of a personal computer to create and fund the account, and also to require receipt of account information via a computer device, this rejection of Claims 75 and 99 as being unpatentable over Gray under 35 U.S.C. §103(a) in view of Lubinger and further in view of Tannenbaum et al. has thus been overcome. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Next, Claim 88 was rejected under 35 U.S.C. §102(b) as being anticipated by Gray, or, in the alternative, as being obvious over Gray under 35 U.S.C. §103(a) for the reasons previously discussed. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

As noted above, Claim 88 has been amended to recite that the fund depositor creates and funds the account for their son or daughter using a personal computer, which is not disclosed by Gray. Applicant is unaware of any prior art publication supplying both the teaching and motivation to modify Gray to requie the set-up and funding of a debit card accessible bank account for a son or daughter using a personal computer. This can only be

learned by reading Applicant's disclosure. To conclude that amended Claim 88 is obvious in view of Applicant's own disclosure represents the impermissible application of hindsight reconstruction. To require the fund depositor to create and fund the account using a personal computer therefore patentably defines over Gray under 35 U.S.C. §102(b) and §103(a).

By amending Claim 88 to require the use of a personal computer to create and fund the account, this rejection of Claim 88 in view of Gray under 35 U.S.C. §§102(b) and 103(a) has thus been overcome. Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

Finally, Claim 88 was rejected as being anticipated in view of Tannenbaum et al. under 35 U.S.C. §102(b), or, in the alternative, as being obvious over Tannenbaum et al. under 35 U.S.C. §103(a) for the reasons previously discussed. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

As noted above, the Tannenbaum et al. card is disposable, so that the automatic and periodic replenishment from parent to child is impossible. The only periodic function disclosed serves to maintain an accurate record of how much money is left in the account. Because there is no disclosure of periodic and automatic account replenishment, Tannenbaum et al. do not anticipate Claim 88 under 35 U.S.C. §102(b).

As discussed above, Claim 88 is not obvious in view of Tannenbaum et al. because the disposable nature of the Tannenbaum et al. money card teaches against the periodic and automatic fund transfer step of Claim 88, and there is no teaching or suggestion by Tannenbaum et al. of using a personal computer to create and fund the account. Claim 88 therefore also patentably defines over Tannenbaum et al. under 35 U.S.C. §103(a).

Therefore, because Tannenbaum et al. do not disclose periodic and automatic account replenishment, Claim 88 is not anticipated under 35 U.S.C. §102(b). And because the

Tannenbaum et al. card is disposable, and Claim 88 has been amended to require the use of a personal computer to set up and fund the account, Claim 88 is also not obvious in view of Tannenbaum et al. under 35 U.S.C. §103(a).

The amendment to Claim 88 thus further patentably defines over Tannenbaum et al. under 35 U.S.C. §103(a). Reconsideration by the Examiner and withdrawal of this rejection is therefore respectfully requested.

To be complete, Applicant notes that the Examiner has requested resubmission of a waiver of communication via e-mail to allow e-mail correspondence. This was submitted by facsimile on June 2, 2005. Acknowledgement by the Examiner that this waiver submission has been received is respectfully requested.

In view of the foregoing claim amendments and remarks, this application is now in condition for allowance. Reconsideration is respectfully requested. The Examiner is requested to telephone the undersigned to discuss any remaining issues in this application to be resolved.

Finally, the Examiner is authorized to charge applicant's Deposit Account No. 19-5425 for any additional charges in connection with this Amendment.

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Respectfully submitted,

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